IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 58631-M of 2006

DATE OF DECISION : 16.11.2006

Tajinder Singh

.... PETITIONER

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. K.S. Ahluwalia, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

Mr. Bipan Ghai, Advocate,
for respondent No.2.

* * *

Petitioner Tajinder Singh, who is facing trial in FIR No. 116 dated 28.10.2002 registered at Police Station City Gurdaspur under Sections 366, 380, 34 IPC, has filed this petition under Section 482 of the Code of Criminal Procedure seeking permission to go to China for six months, for advanced training as he has received invitation letter for the same.

I have heard counsel for the parties.

Initially, the petitioner was named as accused in the aforesaid FIR, but during the investigation, he was found innocent and the cancellation report was submitted, which was not accepted by the trial court and the cognizance was taken. Aggrieved against the same, the petitioner filed Crl. Revision No. 666 of 2004 which has been admitted by this court and proceedings before the trial court have been stayed.

Counsel for the petitioner contends that the petitioner is a Graduate in Electronics and communication Engineering and he has received invitation for advanced training in China, for which he wants to go to China for six months. He further contends that the petitioner shall return

back to India on or before 1/3/2007 and he is ready to furnish undertaking in this regard. Counsel for the petitioner submits that earlier also, in this case, he was granted permission to go abroad twice. However, he availed the concession only once and for the second time, he could not go abroad, as he could not arrange two local sureties.

Undisputedly, the police after investigation in the aforesaid FIR, found the petitioner innocent and the cancellation report was submitted. However, the trial court did not accept the same and took cognizance. Feeling aggrieved against the said order, the petitioner filed Crl. Revision No. 666 of 2004 in this court, in which further proceedings before the trial court have been stayed and the revision petition has been admitted. In view of these facts, the trial in the case is not proceeding, therefore, in my opinion, the petitioner should be granted permission to go abroad with an undertaking to return back to India on or before 1.3.2007.

In view of the above, this petition is allowed and the petitioner is permitted to go to China subject to the condition that he shall furnish surety to the satisfaction of the trial court with an undertaking to return to India on or before 1.3.2007.

November 16, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**